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ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION
FILED
3 2011
CLERK, U.S. DISTRICT COURT
By *SP* Deputy
4:30 PM

TERESA WARD COOPER,
Plaintiff,

v.

DALLAS POLICE ASSOCIATION,
Defendant.

3-11-CV-2607-B

CIVIL ACTION NO.:

ORIGINAL COMPLAINT AND JURY DEMAND

NOW COMES TERESA WARD COOPER, Plaintiff, and for cause of action

shows:

INTRODUCTION

1. At all times relevant, Plaintiff was a member of The Dallas Police Association, a labor organization under 42 U.S.C. § 2000e(d) and (e), that represents the interests of more than a thousand members in matters of employment.
2. Plaintiff requested and was entitled to receive, as a matter of her right of membership, representation from Defendant in labor disputes Plaintiff had with the Dallas Police Department. Defendant deprived Plaintiff of the aforementioned right of her membership.

JURISDICTION

3. The Court has jurisdiction over the lawsuit because the action arises under Title VII of the Civil Rights Act of 1964 as amended 42 U.S.C. § 2000e, et seq. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331, 1337, and 1343.

VENUE

4. Venue of this Court is invoked pursuant to 28 U.S.C. § 1391(b), this being an action not founded on diversity of citizenship and the Northern District of Texas being

the judicial district in which the defendant is located and in which events that are subject of this Civil Complaint occurred.

MOTION TO PROCEED IFP

5. In accordance with 28 U.S.C. § 1915, Plaintiff asserts that the commencement of this civil action without prepayment of fees or security therefor is authorized. Service by the U.S. Marshall's Office is requested.

PARTIES

6. Plaintiff Teresa Ward Cooper resides at 1520 Janwood Dr., Plano, Collin County, Texas 75075. Telephone Number (972) 358-8999.

7. Defendant Dallas Police Association may be served by and through its President, Glenn White, at the offices of The Dallas Police Association located at 1412 Griffin Street East, Dallas, Dallas County, Texas 75215. Telephone Number (214) 747-6839.

VIOLATION OF 42 U.S.C. §2000e – TITLE VII CLAIM

8. Plaintiff hereby realleges and incorporates by reference paragraphs 1 - 2, above.

9. The Dallas Police Association is a "labor organization" under Title VII. See Cooper v. Dallas Police Ass'n, 261 Fed.Appx. 735 at 1, 2008 WL 121316 (C.A.5 (Tex.)2008).

10. Plaintiff is a member of The Dallas Police Association.

11. Pursuant to her membership in the DPA, Plaintiff invoked her right to legal representation in the Civil Service appeal of the termination of her employment that occurred in August 2005. Plaintiff was entitled to have fees for her legal representation paid by the DPA.

12. After her termination in August 2005, and before Plaintiff filed her charge of discrimination, the attorney representing Plaintiff in the Civil Service appeal was not paid by the DPA. Plaintiff timely-filed her charge of discrimination after learning that the DPA did not pay her legal representative. Plaintiff's legal representative has still not been paid by the DPA. Before filing the charge, the DPA did not provide Plaintiff a reason for its non-payment of legal fees.

13. To avoid or escape liability for Plaintiff's charge of discrimination based upon her gender and / or retaliation for her previous protected activities, Defendant has changed its previous story regarding the dates of Plaintiff's membership.

14. The trier of fact may infer liability from the falsity of Defendant's explanation. Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 146-148, 10 S.Ct. 2097, 147 L.Ed.2d 105 (2000).

15. In the investigation of the underlying charge, the DPA claimed that Plaintiff's membership terminated on February 25, 2005.

16. But, in its written response to EEOC Charge No. 310-2005-03769, the DPA wrote on July 22, 2005, that "Ms. Cooper is currently a member and is believed to have been a member in good standing during the period relevant to this complaint." The EEOC defined the "relevant period" as "September 21, 2004 through June 17, 2005."

17. The DPA turned-over to Plaintiff its written response to EEOC Charge No. 310-2005-03769 described above in its Rule 26(a)(1), Fed.R.Civ.P. Disclosures in Civil Action No. 3:05-CV-2206-N, N.D.Tex. (January 23, 2006)

18. Between the DPA's July 22, 2005 response to EEOC Charge No. 310-2005-03769 and the termination of her employment in August, 2005, Plaintiff was not aware of any significant changes to Plaintiff's membership in the DPA.
19. The DPA never provided Plaintiff a written notice terminating her membership.
20. 42 U.S.C. §2000e sets forth the manner in which complaints of discrimination are to be made, beginning with a statement of factual allegations to the investigating agency. Plaintiff's complaint was assigned to EEOC Charge No. 31C-2010-00281C, and Texas Workforce Commission Civil Rights Division (TWCCRD) Charge No. 1A20214.
21. The procedures which are triggered by the filing of such a charge are detailed in 42 U.S.C. §2000e-5.
22. Plaintiff's factual allegations [29 C.F.R. § 1601.12(3)] were sworn to [29 C.F.R. § 1601.11] before the TWCCRD, a state agency associated with the EEOC, and thereafter Plaintiff's factual allegations were forwarded to Defendant by the investigating agency for response thereto.
23. Plaintiff timely filed with the Equal Employment Opportunity Commission (the "EEOC") a charge against The Dallas Police Association alleging unlawful conduct under 42 U.S.C. §2000e.
24. Plaintiff exhausted her administrative remedies. On July 5, 2011, Plaintiff received the right to sue from the EEOC by letter dated June 30, 2011 and postmarked on July 1, 2011. (Exhibit 1) Plaintiff timely files this Complaint within 90 days of her receipt thereof.
25. The Dallas Police Association intentionally engaged in unlawful discriminatory conduct designed and calculated to adversely impact Plaintiff in her employment. Said

actions were in retaliation for Plaintiff's role in previous charges of discrimination against The Dallas Police Association investigated by The Texas Workforce Commission Division of Human Rights (previously Texas Human Rights Commission) and the EEOC.

26. Plaintiff complains of discrimination based upon her gender, retaliation for her previous protected activities, and termination of her membership in the labor organization, all of which were complained of in the charge of discrimination, or which were likely to and did arise during the course of the investigation of the charge of discrimination.

ATTORNEYS FEES

27. Plaintiff seeks reasonable attorneys' fees as provided for in 42 U.S.C. § 1988(b).

JURY TRIAL DEMAND

28. Plaintiff requests a jury trial on the issues raised in this complaint.

DAMAGES

29. As a direct and proximate result of Defendant's conduct, Plaintiff suffered the following injuries and damages:

- a. Plaintiff was deprived of effective legal representation and labor organization related support for her labor disputes with the City of Dallas Police Department.
- b. Plaintiff seeks lost compensation for all lost wages and benefits, related to the Defendant's support of the Plaintiff's unlawful termination of the Plaintiff from the Dallas Police Department. Therefore, Plaintiff seeks an award of future lost wages and benefits to compensate her because the Defendant has effectively supported her illegal termination from the Dallas Police Department.

- c. Plaintiff is entitled to pre-judgment interest on lost legal support, lost wages and benefits, and post-judgment interest on all sums, including on attorneys' fees incurred in this action.
- d. Defendant's conduct was an intentional and willful violation of 42 U.S.C. §2000e, et seq.. Plaintiff is entitled to an award of liquidated damages within the meaning of Title VII.
- e. Plaintiff claims further statutory damages for the acts in violation of Title VII.

PRAYER

30. For these reasons, Plaintiff asks for judgment against the Defendant for the following:

- a. For the relief requested herein, including damages, liquidated damages, and declaratory relief regarding pre and post-judgment interest.
- b. An award and judgment for reasonable attorneys' fees.

Costs of suit.

- c. All other relief the Court deems appropriate.

Dated: October 3, 2011.

Respectfully submitted,



Teresa Ward Cooper, Pro Se
1520 Janwood Dr.
Plano, Texas 75075
(972) 358-8999
Fax (none)
PLAINTIFF

DISMISSAL AND NOTICE OF RIGHTS

To: **Teresa W. Cooper**
1520 Janwood Drive
Plano, TX 75075

From: **San Antonio Field Office**
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229



*On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

31C-2010-00281

Jaime Valdez,
State & Local Coordinator

(210) 281-7661

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

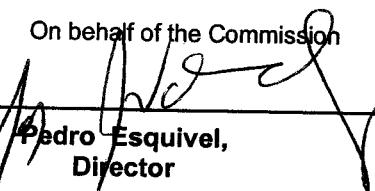
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible**.

On behalf of the Commission


 Pedro Esquivel,
 Director

Enclosures(s)

cc: **DALLAS POLICE ASSOCIATION**
 c/o Bob Gorsky
 Lyon, Gorsky, haring & Gilbert, LLP
 3131 McKinney Ave., Ste. 100
 Dallas, TX 75204

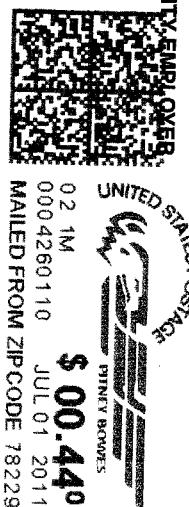

 (Date Mailed)

EX 1

US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
SAN ANTONIO FIELD OFFICE

SAN ANTONIO FIELD OFFICE
5410 FREDERICKSBURG ROAD SUITE 200
SAN ANTONIO, TX 78229-3555

AN EQUAL OPPORTUNITY EMPLOYER



Teressa W. Cooper
1520 Janwood Drive
Plano, TX 75075

